

PERS/STRS Board Elections Scheme (previously AB 419).

Repeal the following:

§ 84225. Public Employees' Retirement Board Candidates.

~~(a) For the purposes of this section only, "board" means the Board of Administration of the Public Employees' Retirement System, as established under Article 1 (commencing with Section 20090) of Chapter 2 of Part 3 of Division 5 of Title 2 of the Government Code.~~

~~(b) Except as provided in this section, the provisions of this article do not apply to candidates for the board, including incumbent board members running for reelection, as such candidates are described in subdivision (g) of Section 20090.~~

~~(c) Candidates for board seats described in subdivision (g) of Section 20090, including incumbent board members running for reelection, shall file campaign statements with the Secretary of State no later than two days before the beginning of the ballot period, as determined by the board, for the period ending five days before the beginning of the ballot period, and no later than January 10, for the period ending December 31.~~

~~(1) The campaign statements shall contain an itemized report that is prepared on a form prescribed by the Commission, with the assistance of the board, that provides the information contained in campaign statements required under Section 84211 to the extent that the information is applicable to a board election.~~

~~(2) The original of a campaign statement shall be filed with the Secretary of State and a copy shall be retained at the board's office in Sacramento and is a public record.~~

Add the following to Chapter 4:

Article 2.5. Public Employees' Retirement Board and Teachers' Retirement Board Elections.

§ 84225. Applicability.

(a) Except as provided in this article, the provisions of this title shall apply to elections for the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board of the State Teachers' Retirement System.

(b) As used in this article, the following definitions apply:

(1) "Ballot period" means the period beginning on the date of the mailing of the ballots to eligible members in connection with an election and ending on the date set as the deadline for the ballots to be returned.

(2) "Candidate" means an individual who qualifies for or accepts nomination for election to the Board of Administration of the Public Employees' Retirement System, as described in subdivision (g) of Section 20090 of the Government Code, and the Teachers' Retirement Board of the State Teachers' Retirement System, as described in paragraph (5) of subdivision (a) of Section 22200 of the Education Code. The term "candidate" includes an incumbent elected board member as described in this paragraph.

(3) "Committee" means a committee pursuant to section 82013(a) that is formed or exists primarily to support or oppose a candidate, or specific candidates being voted upon in a single election, as defined in subdivision (b)(2).

§ 84226. Campaign Reporting.

(a) Candidates and committees under this article shall file semiannual campaign statements no later than July 31 for the period ending June 30, and no later than January 31 for the period

ending December 31, if contributions are received or expenditures are made during the semiannual period.

(b) During any calendar year in which he or she is being voted upon, a candidate under this article shall also file a campaign statement no later than two days before the beginning of the ballot period for the period ending five days before the beginning of the ballot period.

(c) During any calendar year in which the candidate or candidates supported or opposed by a committee under this article is being voted upon, the committee shall also file a campaign statement no later than two days before the beginning of the ballot period for the period ending five days before the beginning of the ballot period.

(d) The original and one copy of statements described in this section shall be filed with the Secretary of State and a copy shall be filed with the executive officer of the board.

(e) Candidates and committees under this article are not subject to the requirements of Sections 84200 through 84202.7 and 84215.

§84227. Other Provisions.

(a) Notwithstanding Section 82024, candidates and committees under this article are subject to the provisions of Chapter 5 of this title applicable to candidates for state elective office, except for Sections 85400 - 85404.

(b) Persons who make contributions to candidates and committees under this article are subject to provisions of Chapter 5 of this title applicable to contributions made to or accepted by candidates for state elective office.

Amend the following:

§ 82023. Elective Office.

“Elective office” means any state, regional, county, municipal, district or judicial office which is filled at an election. “Elective office” also includes membership on a county central committee of a qualified political party, ~~and~~ members elected to the Board of Administration of the Public Employees’ Retirement System, ~~and members elected to the Teachers’ Retirement Board of the State Teachers’ Retirement System.~~

§ 82024. Elective State Office.

“Elective state office” means the office of Governor, Lieutenant Governor, Attorney General, Insurance Commissioner, Controller, Secretary of State, Treasurer, Superintendent of Public Instruction, Member of the Legislature, ~~member elected to the Board of Administration of the Public Employees’ Retirement System,~~ and member of the State Board of Equalization.

§ 85400. Voluntary Expenditure Ceilings.

~~(a) A candidate for elective state office, other than the Board of Administration of the Public Employees' Retirement System,~~ who voluntarily accepts expenditure limits may not make campaign expenditures in excess of the following:

(1) For an Assembly candidate, four hundred thousand dollars (\$400,000) in the primary or special primary election and seven hundred thousand dollars (\$700,000) in the general or special general election.

(2) For a Senate candidate, six hundred thousand dollars (\$600,000) in the primary or special primary election and nine hundred thousand dollars (\$900,000) in the general or special general election.

(3) For a candidate for the State Board of Equalization, one million dollars (\$1,000,000) in the primary election and one million five hundred thousand dollars (\$1,500,000) in the general election.

(4) For a statewide candidate other than a candidate for Governor or the State Board of Equalization, four million dollars (\$4,000,000) in the primary election and six million dollars (\$6,000,000) in the general election.

(5) For a candidate for Governor, six million dollars (\$6,000,000) in the primary election and ten million dollars (\$10,000,000) in the general election.

(b) For purposes of this section, “campaign expenditures” has the same meaning as “election-related activities” as defined in clauses (i) to (vi), inclusive, and clause (viii) of subparagraph (C) of paragraph (2) of subdivision (b) of Section 82015.

(c) A campaign expenditure made by a political party on behalf of a candidate may not be attributed to the limitations on campaign expenditures set forth in this section.

§ 87200. Applicability.

This article is applicable to elected state officers, judges and commissioners of courts of the judicial branch of government, members of the Public Utilities Commission, members of the State Energy Resources Conservation and Development Commission, members of the Fair Political Practices Commission, members of the California Coastal Commission, members of the Board of Administration of the Public Employees’ Retirement System, members of the Teachers’ Retirement Board of the State Teachers’ Retirement System, members of planning commissions, members of the board of supervisors, district attorneys, county counsels, county treasurers, and chief administrative officers of counties, mayors, city managers, city attorneys, city treasurers, chief administrative officers and members of city councils of cities, and other public officials who manage public investments, and to candidates for any of these offices at any election.

§ 87201. Candidates.

Every candidate for an office specified in Section 87200 other than a justice of an appellate court or the Supreme Court shall file no later than the final filing date of a declaration of candidacy or nomination acceptance or certification form for election to the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board of the State Teachers’ Retirement System, a statement disclosing his or her investments, his or her interests in real property, and any income received during the immediately preceding 12 months.

This statement shall not be required if the candidate has filed, within 60 days prior to the filing of his or her declaration of candidacy or nomination acceptance or certification form for election to the Board of Administration of the Public Employees’ Retirement System or the Teachers’ Retirement Board of the State Teachers’ Retirement System, a statement for the same jurisdiction pursuant to Section 87202 or 87203.

§ 90001. Mandatory Audits and Investigations.

Audits and investigations shall be made pursuant to Section 90000 with respect to the reports and statements of:

(a) Each lobbying firm and each lobbyist employer who employs one or more lobbyists shall be subject to an audit on a random basis with these lobbying firms or lobbyist employers having a 25-percent chance of being audited. When a lobbying firm or lobbyist employer is audited, the individual lobbyists who are employed by the lobbying firm or the lobbyist employer shall also be audited.

(b) Each statewide, Supreme Court, court of appeal, or Board of Equalization candidate in a direct primary or general election for whom it is determined that twenty-five thousand dollars (\$25,000) or more in contributions have been raised or twenty-five thousand dollars (\$25,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or whose participation in the direct primary or general election is primarily in support of his or her candidacy. Each statewide candidate whose contributions and expenditures are less than twenty-five thousand dollars (\$25,000) shall be subject to an audit on a random basis of 10 percent of the number of such candidates.

(c) Each candidate for the Legislature or superior court judge in a direct primary or general election shall be subject to audit by random selection if it is determined that fifteen thousand dollars (\$15,000) or more in contributions have been received or fifteen thousand dollars (\$15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy. Random selection shall be made of 25 percent of the Senate districts, 25 percent of the Assembly districts and 25 percent of the judicial offices contested in an election year.

(d) Each candidate for the Legislature in a special primary or special runoff election for whom it is determined that fifteen thousand dollars (\$15,000) or more in contributions have been raised or fifteen thousand dollars (\$15,000) or more in expenditures have been made, whether by the candidate or by a committee or committees controlled by the candidate or primarily supporting his or her candidacy.

(e) Each controlled committee of any candidate who is being audited pursuant to subdivision (b), (c), or (d).

(f) Each committee, other than a committee specified in subdivision (c) of Section 82013, primarily supporting or opposing a candidate who is being audited pursuant to subdivision (b), (c), or (d) if it is determined that the committee has expended more than ten thousand dollars (\$10,000).

(g) Each committee, other than a committee specified in subdivision (c) of Section 82013, whose participation is primarily in support of or in opposition to a state measure or state measures if it is determined that the committee has expended more than ten thousand dollars (\$10,000) on such measure or measures.

(h) Each committee, other than a committee defined in subdivision (c) of Section 82013, a controlled committee or a committee primarily supporting or opposing a state candidate or measure, if it is determined that the committee has raised or expended more than ten thousand dollars (\$10,000) supporting or opposing state candidates or state measures during any calendar year, except that if the Commission determines from an audit report that a committee is in substantial compliance with the provisions of the act,

the committee thereafter shall be subject to an audit on a random basis with each such committee having a 25-percent chance of being audited.

(i) (1) With respect to local candidates and their controlled committees, the Commission shall promulgate regulations which provide a method of selection for these audits.

(2) With respect to candidates for the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board as defined in Section 84225, the Commission shall promulgate regulations that provide a method for selection of these audits. The Public Employees' Retirement System and the State Teachers' Retirement System shall reimburse the Commission for all reasonable expenses incurred pursuant to this section.

(j) In accordance with subdivisions (a), (b), (c), and (h), the Fair Political Practices Commission shall select by lot the persons or districts to be audited on a random basis. For campaign audits the selection shall be made in public after the last date for filing the first report or statement following the general or special election for which the candidate ran, or following the election at which the measure was adopted or defeated. For lobbying firm and lobbyist employer audits, the selection shall be made in public in February of odd-numbered years.